

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DIANE DENMARK,

Plaintiff

v.

Civil Action No. 04-12261-DPW

LIBERTY MUTUAL ASSURANCE  
COMPANY OF BOSTON, THE GENRAD,  
INC. LONG TERM DISABILITY PLAN,  
THROUGH TERADYNE, INC., AS  
SUCCESSOR FIDUCIARY

Defendants

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

The parties to the above-captioned matter have conferred and now submit this joint statement pursuant to Local Rule 16.1 of the United States District Court for the District of Massachusetts and the Court's Notice of Scheduling Conference. The parties proposed schedule is based on the fact that Liberty Life Assurance Company of Boston will produce the Administrative Record for Plaintiff that it reviewed when it decided whether Plaintiff was entitled to long-term disability benefits, as well as the relevant plan documents.

**Proposed Pretrial Schedule**

**Administrative Record**

December 14, 2004	Administrative Record and relevant plan documents produced to Plaintiff
December 30, 2004	Deadline for Plaintiff to provide notice to Defendant if she claims that the record is incomplete or inaccurate
January 10, 2005	Deadline for parties to confer to attempt to agree on record, if Plaintiff provides notice as discussed above

January 20, 2005	Deadline to file "Agreed Upon Record"
February 4, 2005	Deadline to file motions concerning any additional material the parties seek to have added to the record
February 21, 2005	Deadline to file oppositions to motions to add to the record

**Scope of Judicial Review**

January 10, 2005	Deadline for parties to confer regarding the applicable scope of judicial review
February 4, 2005	Deadline to file motions regarding applicable scope of judicial review
February 21, 2005	Deadline to file oppositions to motions regarding applicable scope of judicial review

**Motions for Discovery**

January 20, 2005	Deadline for filing motions showing cause for discovery, if any party seeks any further discovery
February 11, 2005	Deadline for oppositions to motions for discovery

**Motions for Summary Judgment**

April 29, 2005	Deadline for filing summary judgment motions based on Administrative Record, if any party determines that such a motion is appropriate.
May 31, 2005	Deadline for filing oppositions to summary judgment motions
June 15, 2005	Deadline for filing reply brief to any opposition to motions for summary judgment
July 15, 2005	Hearing and Status Conference regarding summary judgment motions and remaining pre-trial schedule, should summary judgment motion not be allowed.

**SETTLEMENT**

Plaintiff recently submitted a settlement proposal, which Defendants are in the process of evaluating.

**CERTIFICATIONS**

Local Rule 16.1(D)(3) certifications will be filed by the parties under separate cover. The parties have not agreed to have a trial in front of a Magistrate Judge.

WHEREFORE, the parties respectfully request that the Court approve their Proposed Pretrial Schedule and Discovery Plan, with such amendments as the Court deems just and proper.

Respectfully submitted,

DIANE DENMARK,  
By her attorney,

LIBERTY LIFE ASSURANCE COMPANY  
OF BOSTON, THE GENRAD, INC. LONG TERM  
DISABILITY PLAN, THROUGH TERADYNE,  
INC., AS SUCCESSOR FIDUCIARY  
By their attorney,

/s/ Jonathan M. Feigenbaum (by RWP)  
Jonathan M. Feigenbaum (BBO # 546686)  
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Dated: December 2, 2004

/s/Richard W. Paterniti  
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Dated: December 2, 2004